

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the final Office Action mailed on February 28, 2007. At that time, claims 1-47 and 49-53 were pending in the application. In the Office Action, the Examiner allowed claims 49-53 and indicated that claims 11, 16-21, 28, 32, 36-40, 44 and 47 contained allowable subject matter. The Examiner rejected claims 1-3, 12-14, 33 and 35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,224,093 to Ochiai et al. (hereinafter "Ochiai"). Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of U.S. Patent No. 6,047,987 to Cart (hereinafter "Cart"). Claims 4-9, 15, 22-26, 29-31, 41, 42 and 45 were rejected under § 103(a) as being unpatentable over Ochiai in view of U.S. Patent No. 5,069,477 to Shiraki (hereinafter "Shiraki"). Claims 10, 27, 31, 43 and 46 were rejected under § 103(a) as being unpatentable over Ochiai in view of Shiraki and in further view of U.S. Patent No. 6,364,345 to Lang (hereinafter "Lang").

By this paper, Applicant respectfully responds to the issues raised in the Office Action. Favorable consideration and allowance of the remaining claims is respectfully requested.

#### **I. Claims 1-3, 12-14, 33 and 35 are rejected under 35 U.S.C. 102(b)**

The Examiner rejected claims 1-3, 12-14, 33 and 35 under 35 U.S.C. § 102(b) as being anticipated by Ochiai. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Ochiai. Applicants have amended independent claims 1, 33, and 35 to recite the subject matter of allowable claim 11, namely that the airbag module comprises movable plates that include

locking hinges to permit deployment to a predetermined position. Such claim elements are not found in Ochiai. Accordingly, the incorporation of this claim element into claims 1, 33, and 35 renders such claims allowable. Withdrawal of this rejection is respectfully requested.

Claims 2-3 and 12-14 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-3 and 12-14 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

## **II. Claim 34 is rejected under 35 U.S.C. 103(a)**

Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of Cart. This rejection is respectfully traversed.

The M.P.E.P. states that a case of obviousness under § 103(a) requires that all of the claimed elements be taught or suggested by the cited references. See M.P.E.P. § 2142. Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the elements in these claims. Claim 34 depends from claim 33. Accordingly, claim 34 requires that that “the airbag module comprises movable plates that include locking hinges to permit deployment to a predetermined position.” This claim language is based upon allowable claim 11. As noted above, such a claim element is not taught or suggested by Ochiai. Such a claim element is also not taught or suggested by Cart. Accordingly, as this combination of references fails to teach or suggest all of the claim elements, the rejection under § 103(a) should be withdrawn. Favorable consideration is respectfully requested.

## **III. Claims 4-9, 15, 22-26, 29-31, 41, 42 and 45 are rejected under 35 U.S.C. 103(a)**

Claim 4-9, 15, 22-26, 29-31, 41, 42 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of Shiraki. This rejection is respectfully traversed.

As noted above, a claim may only be rejected under § 103(a) if all of the claim elements are taught or suggested in the prior art references. In the present case, claims 4-9, 15, and 22-23 depend from independent claim 1. These claims all require that “the airbag module comprises movable plates that include locking hinges to permit deployment to a predetermined position.”

This claim language is based upon allowable claim 11. As noted above, such a claim element is not taught or suggested by Ochiai. Such a claim element is also not taught or suggested by Shiraki. Accordingly, as this combination of references fails to teach or suggest all of the claim elements, the rejection under § 103(a) should be withdrawn. Favorable consideration is respectfully requested.

Independent claims 24 and 41 have also been amended to require that "the airbag module comprises movable plates that include locking hinges to permit deployment to a predetermined position." This claim language is based upon allowable claim 11. As noted above, such a claim element is not taught or suggested by Ochiai. Such a claim element is also not taught or suggested by Shiraki. Accordingly, as this combination of references fails to teach or suggest all of the claim elements, the rejection under § 103(a) should be withdrawn. Favorable consideration is respectfully requested.

Claim 25-26 and 29-31 depend, either directly or indirectly from claim 24. Claim 42 and 45 depend from claim 41. Accordingly, Applicants respectfully request that the rejection of claims 25-26 and 29-31 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

#### **IV. Claims 10, 27, 31, 43 and 46 are rejected under 35 U.S.C. 103(a)**


Claim 10, 27, 31, 43 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of Shiraki. This rejection is respectfully traversed. These dependent claims all depend (respectively) from allowable independent claims. Accordingly, such dependent claims are allowable for the same reasons as put forth above in conjunction with the independent claims. Favorable consideration and allowance of these claims is respectfully requested.

#### **V. Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted.

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